

Remarks

The Office Action mailed December 13, 2004 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-21 are pending in this application. Claims 1-4 and 6-14 stand rejected. Claim 5 is objected to. Claims 15-21 have been withdrawn from consideration.

The rejection of Claims 8 and 10 under 35 U.S.C. § 112, second paragraph, is respectfully traversed. Claims 8 and 10 have been amended to address the aspects noted in the Office Action. For the reasons set forth above, Applicant respectfully requests that the Section 112 rejection of Claims 8 and 10 be withdrawn.

The rejection of Claims 1-4, 8-10, and 12-13 under 35 U.S.C. § 102(b) as being anticipated by Akers (U.S. Patent No. 3,880,313) is respectfully traversed.

Akers describes a safety cap 14 and container 12. The container has a top opening 16 and a wall 18 surrounding the top opening. The container 12 further includes a tapered internal surface 20 which is tapered so as to have its largest dimension generally away from the interior of the container. The tapered internal surface 20 has the shape of a frustrum of a right circular cone. The cap 14 includes a disc-like top 24 and a generally cylindrical skirt 26 around the edge of top 24. A resilient dependent member 28 extends from top 24 within the diameter of skirt 26 and is shaped like a cylindrical wall. When the cap 14 engages the container 12, member 28 engages the tapered internal surface 20. As member 28 is formed from a resilient material, engaging cap 14 and container 12 causes the dependent member 28 to compress against the narrowing taper of internal surface 20. Therefore when a user attempts to remove the cap 14, the resiliency of member 28 causes cap 14 to lift as member 28 attempts to regain its original configuration by decompressing, which results in member 28 moving up the tapered internal surface 20. As seen in the Figures, the tapered inner surface 20 is between the wall of the

container and its top surface. As such the container of Akers does not include a vertical surface extending between a tapered inner surface and a top surface of the container.

Claim 1 recites a packaging system for shipping substances that comprises a packaging container for storing substances during shipping. The packaging container comprises “an elongate vessel comprising a bottom wall, a top surface, a cylindrical body extending from said bottom wall to said top surface, said cylindrical body comprising an outer surface, a tapered inner surface, and a vertical surface, said vertical surface extending between said tapered inner surface and said top surface, said vessel comprising a plurality of locking tabs formed on said outer surface” and “a lid comprising a cylindrical body, an interior perimeter and an inner surface, an inner sealing ring extending from said inner surface and configured to engage and seal against said vertical surface of said elongate vessel, an outer sealing ring extending down from said inner surface and between said inner sealing ring and said cylindrical body, a plurality of tab receptacles positioned within said lid cylindrical body, and a plurality of notches within said cylindrical body positioned between said plurality of tab receptacles, said tab receptacles configured to receive said plurality of locking tabs.”

Akers does not describe nor suggest an elongate vessel that includes a vertical surface extending between a tapered inner surface and a top surface of the elongate vessel. Referring to Figures 2 and 3 of Akers, it appears that the surface between the interior surface of the container and the top surface of the container is tapered. This surface is described as a tapered inner surface 20 in Akers (see, e.g., Column 2, lines 55-60). In addition, Akers does not describe a cap that includes an inner sealing ring, an outer sealing ring, and a cylindrical body, with the outer sealing ring between the inner sealing ring and the cylindrical body. For these reasons, Claim 1 is submitted to be patentable over Akers.

Claims 2–4 and 8 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2–4 and 8 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2–4 and 8 likewise are patentable over Akers.

Claim 9 recites a vessel comprising “a bottom wall,” “a top surface,” “an outer surface,” “a plurality of locking tabs extending from said outer surface” and “a cylindrical body extending from said bottom wall to said top surface, said cylindrical body comprising a tapered inner surface and a vertical surface, said vertical surface extending between said tapered inner surface and said top surface, said tapered inner surface extending from said bottom wall to said vertical surface.”

Akers does not describe nor suggest a vessel that includes a vertical surface that extends between a tapered inner surface and a top surface of the vessel. Referring to Figures 2 and 3 of Akers, it appears that the surface between the interior surface of the container and the top surface of the container is tapered. This surface is described as a tapered inner surface 20 in Akers. For the reasons set forth above, Claim 9 is submitted to be patentable over Akers.

Claims 10, 12, and 13 depend, directly or indirectly, from independent Claim 9. When the recitations of Claims 10, 12, and 13 are considered in combination with the recitations of Claim 9, Applicant submits that dependent Claims 10, 12, and 13 likewise are patentable over Akers.

For the reasons set forth above, Applicant respectfully requests that the Section 102(b) rejection of Claims 1-4, 8-10, and 12-13 be withdrawn.

The rejection of Claims 6, 7, 11, and 14 under 35 U.S.C. § 103 as being unpatentable over Akers is respectfully traversed.

Akers is described above. Claims 6 and 7 depend from independent Claim 6 which recites a packaging system for shipping substances that comprises a packaging container for storing substances during shipping. The packaging container comprises “an elongate vessel comprising a bottom wall, a top surface, a cylindrical body extending from said bottom wall to said top surface, said cylindrical body comprising an outer surface, a tapered inner surface, and a

vertical surface, said vertical surface extending between said tapered inner surface and said top surface, said vessel comprising a plurality of locking tabs formed on said outer surface” and “a lid comprising a cylindrical body, an interior perimeter and an inner surface, an inner sealing ring extending from said inner surface and configured to engage and seal against said vertical surface of said elongate vessel, an outer sealing ring extending down from said inner surface and between said inner sealing ring and said cylindrical body, a plurality of tab receptacles positioned within said lid cylindrical body, and a plurality of notches within said cylindrical body positioned between said plurality of tab receptacles, said tab receptacles configured to receive said plurality of locking tabs.”

Akers does not describe nor suggest an elongate vessel that includes a vertical surface extending between a tapered inner surface and a top surface of the elongate vessel. Referring to Figures 2 and 3 of Akers, it appears that the surface between the interior surface of the container and the top surface of the container is tapered. This surface is described as a tapered inner surface 20 in Akers (see, e.g., Column 2, lines 55-60). In addition, Akers does not describe a cap that includes an inner sealing ring, an outer sealing ring, and a cylindrical body, with the outer sealing ring being between the inner sealing ring and the cylindrical body. For these reasons, Claim 1 is submitted to be patentable over Akers.

Claims 6 and 7 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 6 and 7 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 6 and 7 likewise are patentable over Akers.

Claims 11 and 14 depend from independent Claim 9 which recites a vessel comprising “a bottom wall,” “a top surface,” “an outer surface,” “a plurality of locking tabs extending from said outer surface” and “a cylindrical body extending from said bottom wall to said top surface, said cylindrical body comprising a tapered inner surface and a vertical surface, said vertical surface extending between said tapered inner surface and said top surface, said tapered inner surface extending from said bottom wall to said vertical surface.”

Akers does not describe nor suggest a vessel that includes a vertical surface that extends between a tapered inner surface and a top surface of the vessel. Referring to Figures 2 and 3 of Akers, it appears that the surface between the interior surface of the container and the top surface of the container is tapered. This surface is described as a tapered inner surface 20 in Akers. For the reasons set forth above, Claim 9 is submitted to be patentable over Akers.

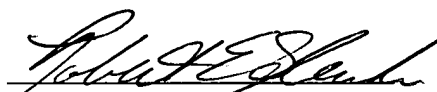
Claims 11 and 14 depend, directly or indirectly, from independent Claim 9. When the recitations of Claims 11 and 14 are considered in combination with the recitations of Claim 9, Applicant submits that dependent Claims 11 and 14 likewise are patentable over Akers.

For the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 6, 7, 11, and 14 be withdrawn.

The objection to Claim 5 is respectfully traversed. Claim 5 depends from independent Claim 1 which is submitted to be patentable for the reasons provided above. For these reasons, Applicant requests that the objection to Claim 5 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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